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(HO)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/163,396 09/30/98 CHENG

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EXAMINER

RAMAKRISHNATAH, M

ART UNIT

PAPER NUMBER

2743

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DATE MAILED:

02/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/163,396	Applicant(s) Terry Si Cheng et al.
	Examiner Melur Ramakrishnaiah	Group Art Unit 2743

Responsive to communication(s) filed on Sep 30, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-26 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 10-14, 16-18, 20-22, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtake (US PAT. 5,487,180).

Regarding claims 1, 5, 10, 16, 20, 24, Ohtake discloses method of determining initial transmission power comprising: a transmitter in A (fig. 12A) that wirelessly transmits control signal (pilot signal) and paging message to a mobile station of the mobile communication system, a controller in A that determines optimum talk channel power in accordance with control signal (pilot signal) strength of the pilot signal wirelessly received by the mobile station, the transmitter wirelessly transmitting message in a talk channel at the optimum talk channel power (fig. 12A, col. 4 lines 24-48, col. 9 lines 54-67), wirelessly transmitting a control signal (pilot signal) to a mobile station 'a' (fig. 12A) of a mobile communication system, determining optimum down talk channel power in accordance with pilot signal strength of the pilot signal wirelessly received by the mobile station 'a', and wirelessly transmitting message in a talk channel to the mobile station 'a' over a talk channel at optimum talk channel power; a talk channel determination source code segment (inherent) for causing a computer of a mobile switching center associated with base

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station A (fig. 12A) of the mobile communication system to determine optimum talk channel power in accordance with pilot signal strength of the pilot signal wirelessly received by the mobile station 'a' (fig. 12A) of the mobile communication system, and talk channel transmission source code segment (inherent) for the computer to direct the base station 'A' (FIG. 12A) to wirelessly transmit message in talk channel to the mobile station 'a' over a talk channel at the optimum talk channel power (fig. 12A, col. 4 lines 24-64).

He differs from the claimed invention by not explicitly showing transmission of page at the optimum paging channel power; but it would have been obvious to one of ordinary skill in the art at the time invention was made to modify his system to provide for transmission of page at the optimum paging channel power as this would provide the benefits of using minimum possible power for signaling between the base station and mobile station, thus contributing to the reduction in interference power in the system.

Regarding claims 2-3, 6-8, 11-14, 17-18, 21-22, 25-26, Ohtake further shows the following: the controller in 'A' (fig. 12A) determines optimum talk channel power in accordance with the control signal (pilot signal) strength and threshold value (forward loading of the base station), the forward loading of the base station being a ratio of current transmitted power of the base station to maximum power of the base station, controller in 'A' (fig. 12A) also determines an optimum talk channel (traffic channel) power in accordance with the pilot signal strength, traffic channel determination source code segment (inherent) for causing the computer in 'A' to determine optimum talk channel (traffic channel) power in accordance with the pilot signal

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strength, transmission channel source code segment (inherent) for causing the computer to wirelessly transmit a call to the mobile station 'a' (fig. 12A) over a traffic channel at the optimum traffic channel power (fig. 12A, col. 4 lines 24-64).

He differs from the claimed invention by not explicitly showing transmission of page at the optimum paging channel power; but it would have been obvious to one of ordinary skill in the art at the time invention was made to modify his system to provide for transmission of page at the optimum paging channel power as this would provide the benefits of using minimum possible power for signaling between the base station and mobile station, thus contributing to the reduction in interference power in the system.

3. Claims 4, 9, 15, 19, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtake in view of Chen (US PAT. 5,893,035, filed 9-16-1996).

Regarding claims 4, 9, 15, 19, 23, Ohtake does not show CDMA mobile communication system.

However, Chen discloses centralized forward link power control that teaches a CDMA communication system.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ohtake's system to be used in a CDMA communication system as CDMA system would provide for greater utilization of wireless communication system capacity.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

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(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GRCS:2700